

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
S/S Murdock Avenue, 745 ft. \* ZONING COMMISSIONER  
NE of Bellona Avenue \* OF BALTIMORE COUNTY  
59 Murdock Avenue \*  
9th Election District \* CASE # 92-19-SPH  
4th Councilmanic District \*  
Michael J. Sponseller \*  
Petitioner \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval of a nonconforming use as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 2 apartment dwelling in a D.R.10.5 zone, in lieu of a single family house. The subject property is more particularly described on Petitioner's Exhibit No. 8.

The Petitioner/property owner, Michael J. Sponseller, appeared and testified. Also appearing on behalf of the Petitioner was Lillian Leakins and Anton J. Bumba, the immediate next door neighbor. Appearing as interested parties/Protestants were Jean K. Duvall, representing the Rodgers Forge Community Association, and Charles and Marian Mildrone, residents of this community.

The Petitioner, Michael J. Sponseller, testified that he has owned the property since 1973. During the period of his ownership, he has rented the property as a two apartment dwelling. Presently, his mother resides on the first floor and an unrelated tenant resides in the second floor unit. Mr. Sponseller also offered substantial testimony and documentary evidence regarding the history of the site. The property is located within the long established Rodgers Forge community in Baltimore County. The property is a town house unit which contains two apartments, one on the first floor and

one on the second floor. The floor layouts are substantially similar for each unit. Entry into each unit is by way of an internal vestibule. Mr. Sponseller offered numerous exhibits which demonstrate that the subject site has always been a two apartment unit and has been continuously operated in that manner since, at least, the early 1940s. This evidence included old deeds evidencing various transfers of the property and tax bills.

Perhaps the most significant testimony was that of Mr. Bumba who had resided immediately next door at 57 Murdock Road since 1942. He testified that the subject property has been a two apartment unit and has continuously been used in that manner since he lived there.

Appearing as an interested party was Jean K. Duvall of the Rodgers Forge Community Association. She concurred with Mr. Bumba's assessment that the subject property has been a two apartment unit for a lengthy period of time. Her concern was not so much over this apartment, but the establishment of a trend within this community that other dwellings could be converted.

As with all nonconforming use cases, it must be determined whether the nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. If the use has so existed, it must then be determined whether it has continued, uninterruptedly and unchanged since that time.

Testimony clearly established that, from 1942 onward, the subject property has been occupied as a two apartment dwelling continuously and uninterruptedly until the present date. As such, the property enjoys a legal nonconforming use status.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17<sup>th</sup> day of Oct., 1991 that, pursuant to the Petition for Special Hearing, request for approval of a nonconforming use as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a 2 apartment dwelling in a D.R.10.5 zone, in lieu of a single family house, in accordance with Petitioner's Exhibit No. 8, is hereby GRANTED.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

92-19-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve \_\_\_\_\_ Non-conforming use of 2 apartments at 59 Murdock Road, Baltimore 21212

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expense of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Michael J. Sponseller

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 78 (301) 662-7720

Address Phone No.

New Market, MD 21774

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Signature

Name

Address Phone No.



ESTIMATED LENGTH OF HEARING - 1/2HR. (410)

AVAILABLE FOR HEARING

ALL MON./TUES./WED. - NEXT TWO MONTHS

OTHER DATE 7/12/91

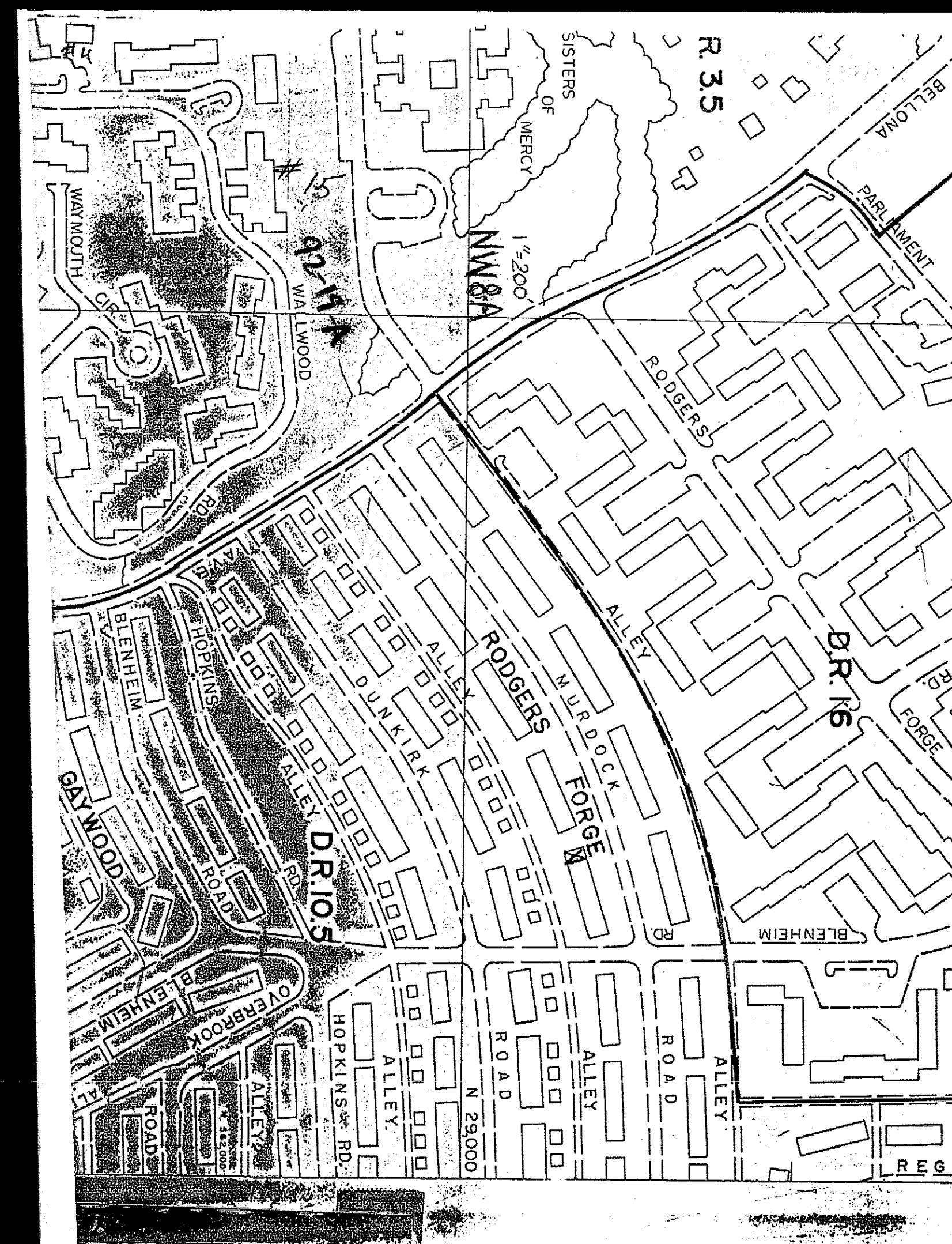
REVIEWED BY: DATE 7/12/91

#15 SPH  
92-19-A

July 11, 1991

#### ZONING DESCRIPTION

Beginning for the same at a point on the south side of Murdock Road, being 50.00 feet, wide, 745.66 feet easterly from the southeast corner of Murdock Road and Bellona Avenues, thence running along Murdock Road northeasterly 41.42 feet; thence southeasterly 110 feet; thence southwesterly 32.90 feet; thence northeasterly 110 feet to the point of beginning. Containing 4.159 square feet or 0.10 acres of land, more or less. Being known as 59 Murdock Road in the Ninth Election District, Fourth Councilmanic District.



**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt

Date

PAID RECEIPT

DATE 7/12/91

04404#0020MICHRC \$35.00

Please Make Checks Payable To: Baltimore County 0003121PH07-12-91

Cashier Validation







DATE: 8/27/91

COPY

Michael J. Sponseller  
P.O. Box 78  
New Market, Maryland 21774

RE:  
Case Number: 92-19-A  
S/S Murdock Avenue, 745' NE of Bellona Avenue  
59 Murdock Avenue  
9th Election District - 4th Councilmanic  
Petitioner(s): Michael J. Sponseller  
HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 3:00 p.m.

Dear Petitioner(s):

Please be advised that \$103.62 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

SEPTEMBER 2, 1991

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 116 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-19-A  
S/S Murdock Avenue, 745' NE of Bellona Avenue  
59 Murdock Avenue  
9th Election District - 4th Councilmanic  
Petitioner(s): Michael J. Sponseller  
HEARING: WEDNESDAY, SEPTEMBER 25, 1991 at 3:00 p.m.

Special Hearing to approve the non-conforming use of 2 apartments.

*J. Robert Haines*

Zoning Commissioner of  
Baltimore County

cc: Michael J. Sponseller  
Michael Palatito

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer  
Zoning Supervisor

DATE: July 15, 1991

FROM: James H. Thompson  
Zoning Enforcement Coordinator

RE: Item No. 15  
Petitioner: Michael J. Sponseller

VIOLATION CASE # C-91-1813

LOCATION OF VIOLATION 59 MURDOCK ROAD

DEFENDANT Michael J. Sponseller

ADDRESS P.O. Box 78 Route 144, New Market, Maryland 21774

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

Mr. Michael Palatito 50 Murdock Road  
Baltimore, Maryland 21212

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Gwen Stephens  
Development Control

ecb/

Mr. Michael J. Sponseller  
P.O. Box 78  
New Market, MD 21774

RE: Item No. 15, Case No. 92-19-SPH  
Petitioner: Michael J. Sponseller  
Petition for Special Hearing

Dear Mr. Sponseller:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8-15-91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8-15-91.

TOWSON TIMES,

*S. Zeke Orlov*  
Publisher

\$ 78.67

Your petition has been received and accepted for filing this 24th day of July, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*James E. Dyer*  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Michael J. Sponseller  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: July 25, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Curtis L. King, Item No. 11  
Mark S. Chlan, Item No. 12  
James R. Whitehead, Item No. 14  
Michael J. Sponseller, Item No. 15 ✓

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
MULTIITE.MS/ZAC1

*Rec'd 7/31/91 jw*

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

Date: August 28, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z. A. C. Comments  
Z. A. C. MEETING DATE: July 23, 1991  
ITEM NUMBER: 15

Adequate off-street parking should be provided.

*Rahee J. Famili*  
Rahee Famili  
Traffic Engineer II

RJF:bza

*Rec'd 7/31/91 jw*



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

JULY 24, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MICHAEL J. SPONSELLER  
Location: #59 MURDOCK AVENUE  
Item No.: 15 Zoning Agenda: JULY 23, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly* 7/24/91 Noted and Approved: *Robert W. Bowling* 7/24/91  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

*Rec'd  
7/24/91*

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1991  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for July 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 12, 14, 15 and 16.

For Item 13, the previous minor subdivision comments are applicable.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>John J. Kelly</i>	<i>237 Murdock Rd</i>
<i>Charles M. Malone</i>	<i>Ball Mill</i>
<i>Marion M. Malone</i>	<i>Redden Forge Corner</i>
	<i>31 Murdock</i>
	"



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 16, 1991

Mr. Michael J. Sponseller  
P.O. Box 78  
New Market, Maryland 21774

RE: Petition for Special Hearing  
Case No. 92-19-SPH

Dear Mr. Sponseller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

JRH:mmn  
att:  
cc: Peoples Counsel  
cc: Protestants

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>M.J. Sponseller</i>	<i>Box 78 New Market MD</i>
<i>John J. Kelly</i> (LOANS)	<i>59 Murdock Rd 21204</i>
<i>Marion M. Malone</i> (Gumbel)	<i>59 Murdock Rd Baltimore 21204</i>
<i>John J. Kelly</i>	<i>237 Murdock Rd Baltimore 21204</i>

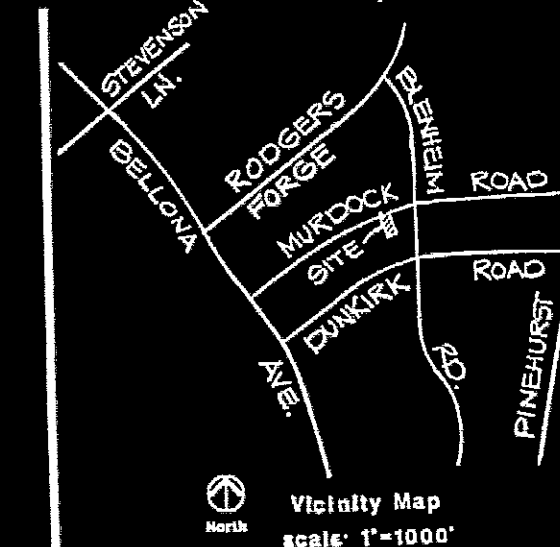
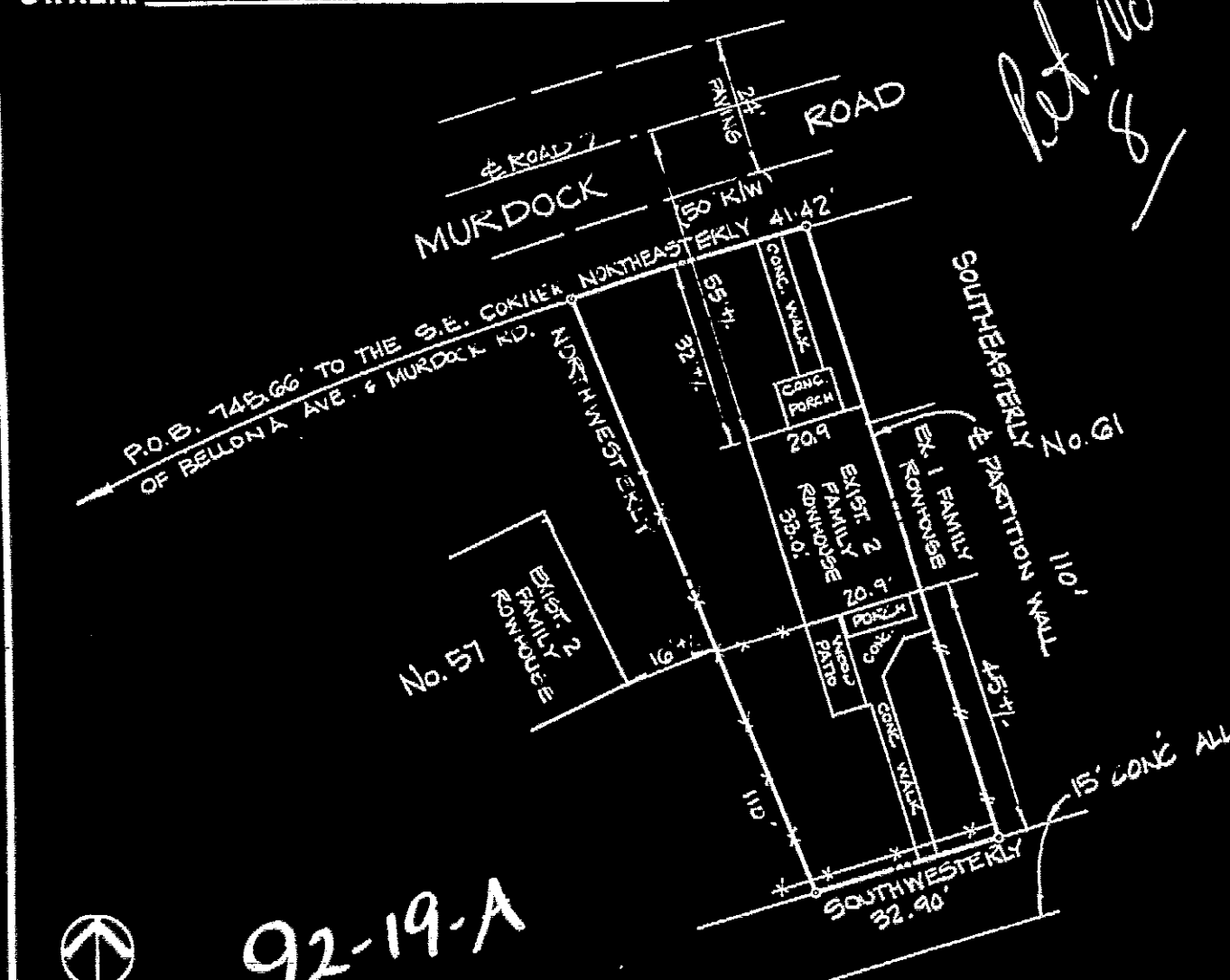
Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 59 MURDOCK ROAD

Subdivision name: (0000) UNRECORDED (DEED REFERENCE: 5300/107)

plat book# \_\_\_\_\_ folio# \_\_\_\_\_ lot# \_\_\_\_\_ section# \_\_\_\_\_

OWNER: MICHAEL J. SPONSELLER



LOCATION INFORMATION

Councilman's District: 4TH  
Election District: 9TH  
1"=200' scale map#:  
Zoning: DK-10.5  
Lot size: 0.10 AC. 4169 S.F.  
acreage square feet

SEWER: ☒ WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: *JK* ITEM #: 15 CASE#:

North  
date: 7/10/91  
prepared by: MCKEE & ASSOC. Scale of Drawing: 1"= 30'